

SApproved as Written: 1/9/02

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL, SPECIAL REDEVELOPMENT AGENCY,
SPECIAL PLANNING COMMISSION AND
SPECIAL HOUSING ELEMENT TASK FORCE MEETING
MINUTES - DECEMBER 12, 2001**

CALL TO ORDER

Mayor/Chairperson Kennedy called the special meeting to order at 6:34 p.m.

ROLL CALL ATTENDANCE

City Council/Redevelopment Agency .

Present: Council/Agency Member Carr, Chang, Sellers, Tate and Mayor/Chairman Kennedy

Planning Commission

Present: Commissioners Acevedo, Benich, Lyle, McMahon, Mueller, Sullivan

Absent: Commissioner Weston

Housing Element Task Force

Present: Task Force Members Boignan, Carr, DeSilva, Mueller, Perkins, Schilling (who arrived at 7:19 p.m.)

Absent: Task Force Members Gerlach, Lalor, Weston

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

City Council Action

CLOSED SESSIONS:

City Attorney/Agency Counsel Leichter announced the below listed closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Section 54956.9(b) & (c)

Number of Potential Cases: 2

City Council and Redevelopment Agency Action

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of
Cochrane Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner,
special counsel; Rutan & Tucker, special counsel
Case Name: San Jose Christian College v. City of Morgan Hill
Case Numbers: Santa Clara County Superior, No. CV 7991 79; USDC Northern California
No. C01-20857 RMW
Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Name of Case: Hacienda Valley Mobile Estates v. City of Morgan Hill et al.
Case No: C 01-20976 PVT, United States District Court, Northern District of
California
Attendees: City Council, City Manager, City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 6:35 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:01 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session items.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor/Chairman Kennedy, Planning Commission Chair Barbara Sullivan led the Pledge of Allegiance.

INTRODUCTIONS

City Manager Tewes introduced newly hired Police Chief Jerry Galvin.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to comments for items not appearing on this evening's agenda. No comments were offered.

City Council, Planning Commission and Housing Element Task Force Action

WORKSHOP:

1. HOUSING ELEMENT WORKSHOP

Community Development Director (CDD) Bischoff presented the staff report, reminding that the last meeting of the Housing Element Task Force with the City Council and Planning Commission had been in October. At that time, several issues of concern had been identified, with Staff and the Consultant being directed to look into those matters.

CDD Bischoff reported that the direction provided at that meeting had been seriously considered; furthermore, he indicated that because of the concerns raised and the issues associated with Measure P - the Growth Control ordinance established by voters in Morgan Hill - the City had initiated contact with representatives from Housing and Community Development (HCD) who subsequently visited the City for a tour of the potential areas for designation as possibly being zoned for development as required by the State.

Addressing the group, CDD Bischoff called attention to the Summary of Proposed Modifications/Morgan Hill Housing Element which presented a summary of significant modifications proposed to policies and programs in the current General Plan Housing Element. The modifications presented detailed the goals, policies, and actions which would be included in the Draft Housing Element submitted to HCD for their remarks and recommendations.

Members of the City Council, Planning Commission and Housing Element Task Force discussed the items presented by CDD Bischoff and Jeff Goldman, Principal Planner of Parsons, Hartland,

Bartholomew and Associates, making changes following the discussion and concerns raised by the presentation of Table 29 (a major focus) of the initial Draft General Plan Housing Element. As the members of the group continued talk regarding the needs indicated by HCD, Planning Commissioner Lyle was prominent in presenting the number of actual buildings and projections for upcoming allocations as authorized under Measure P. Several sets of scenarios were presented with questions being answered by CDD Bischoff and Mr. Goldman. It was repeatedly mentioned that the numbers of housing unit allocations in the City's ABAG-assigned regional allocation for each income group is difficult to achieve. Mr. Goldman reminded that state law is clear: Each jurisdiction must be able to show the ability to reach the levels mandated in each category.

Considerable discussion emanated regarding the need to have Measure P revisited by the voters of the City.

Director of Business Assistance and Housing Services Toy provided information on the history of publically-funded housing since 1990 to the present. It was highly suggested that if possible, Mr. Toy present the information, as vividly as he had done during this meeting, to HCD officials.

At the invitation of Mayor Kennedy, Anne Crealock, 1922 The Alameda, San Jose, who was in attendance to represent the Greenbelt Alliance, addressed the group. She presented a letter to the members present from Janet Stone, Livable Communities Program Director. Ms. Crealock complimented the group on the many positive comments indicated in the Housing Element, expressing the need for farm worker housing within the City to be given a priority.

Mr. Goldman again stressed the need for clear, definite, positive language in the document to be submitted to HCD. The points indicated in the Summary of Proposed Modifications/Morgan Hill Housing Element were reiterated and **agreed by consensus as to the wording of the various goals, policies, and actions discussed and agreed to during the course of the meeting.** CDD Bischoff noted that the Housing element must be submitted to HCD by January 1, 2002. He and Mr. Goldman were charged with amending the language as the group had agreed before the submittal is completed.

ADJOURNMENT (PLANNING COMMISSION AND HOUSING TASK FORCE)

The joint meeting of the City Council, Planning Commission and Housing Task Force was concluded at 9:20 p.m. with adjournment, while comments by Planning Commission Chair Sullivan, Mayor Kennedy, and Housing Element Task Force Chair indicated that the stated actions of the meeting had been accomplished:

- 1) To review and evaluate the effectiveness of the City's existing housing programs in meeting the goals, policies, and quantified objectives of the City's current housing element;

- 2) To review proposed modifications to the current goals, policies and quantified objectives of the housing element so as to better address the City's future housing needs; and
- 3) To reach consensus regarding necessary modifications to the proposed goals, policies and actions for the draft element.

City Council and Redevelopment Agency Action

OTHER BUSINESS:

2. SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR

Council Services and Records Manager Torrez presented the staff report.

Council Member Sellers said that, having thought through the process, he was of the opinion that there was a need to determine who should run the meetings. Therefore, it was his belief that the Mayor Pro Tempore and the Vice-Chair of the RDA should be the same person. Discussion followed regarding the merits of this suggestion.

City Council

Action: *Council Member Tate/Mayor Pro Tempore Sellers **Nominated** Council Member Carr to serve as the next Mayor Pro Tempore to the City Council.*

Action: *On a motion by Council Member Tate and seconded by Mayor Pro Tempore Sellers, the City Council unanimously (5-0) **Confirmed** the Mayor's appointment of Council Member Carr to serve as the next Mayor Pro Tempore to the City Council.*

Redevelopment Agency:

Action: *Agency Member Tate/Mayor Kennedy **Nominated** Agency Member Chang to serve as the next Vice-chair to the Redevelopment Agency.*

Action: *On a motion by Agency Member Tate and seconded by Chairman Kennedy, the Agency Commission unanimously (5-0) **Confirmed** the Chairman's appointment of Agency Member Chang to serve as the next Vice-chair to the Redevelopment Agency.*

City Council Action

CONSENT CALENDAR

Council Services and Records Manager Torrez requested that Item 4 be removed from the Consent Calendar.

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) approved Consent Calendar Item 3 as follows:*

3. EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-00-13: NINA LANE-SHAW - Resolution No. 5548

Action: *Adopted Resolution No. 5548, Approving an Exception to Loss of Building Allotment and Six Month Extension of Time to June 30, 2002.*

City Council Action

Action: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council unanimously (5-0) Approved Consent Calendar Item 5 as follows:*

5. NOVEMBER 2001 FINANCE AND INVESTMENT REPORT

Actions: *Accepted and Filed Report.*

Redevelopment Agency Action

Action: *On a motion by Agency Member Sellers and seconded by Vice-chairman Carr, the Agency Commission unanimously (5-0) Approved Consent Calendar Item 6 as follows:*

6. NOVEMBER 2001 FINANCE AND INVESTMENT REPORT

Action: *Accepted and Filed Report.*

Redevelopment Agency and City Council Action

4. JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 28, 2001

City Clerk Torrez called attention to the fact that a supplemental document presenting corrections due to a printing error had been distributed. Noting the information in the report did not substantially change, she explained that the figures for two categories had been transposed and this supplemental report provided correction.

Action: *On a motion by Mayor Pro Tempore/Agency Member Sellers and seconded by Council Member/Vice-chairman Carr, the City Council/Agency Commission unanimously (5-0) approved the November 28, 2001 Meeting Minutes as amended by staff.*

City Council Action

OTHER BUSINESS:

7. REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES

Council Services and Records Manager Torrez presented the staff report. Attention was called to the fact that two new outside agencies were added to the list. Considerable discussion was had as the Mayor and Council Members reviewed the current list of assignments and appointments and made suggested changes to the Mayor. When several of the appointments resulted in conflicts, the City Manager offered to bring back the matter to the Council at the next meeting with suggestions for grouping the Committees to link the particular interests and expertise of the Council Members. This suggestion was agreed upon with the Council Members and Mayor agreeing to provide the City Manager with information to assist in formulation of the groupings.

Action: *By Consensus, the City Council **Confirmed** the Mayor's Reassignments to Committees and Outside Agencies as follows:*

COUNCIL COMMITTEES AND OUTSIDE AGENCY ASSIGNMENTS

P = Primary

A = Alternate

Committee/Outside Agency

Assignment/s

Association of Bay Area Governments
(ABAG)

(P) Chang
(A) Carr
(A) Sellers

City/School Liaison Committee
Morgan Hill Unified School District

(P) Carr
(P) Tate
(A) Sellers

Corporation Yard Commission

(P) Sellers
(P) Chang

Finance & Audit Committee
(One Year Rotation)

(P) Carr (7/01 to 7/02)
(P) Tate (10/01 to 10/02)
(P) Sellers (8/02 to 8/03)
(P) Kennedy (11/02 to 11/03)
(P) Chang (9/03 to 9/04)

Joint Venture Silicon Valley
Public Sector Roundtable

(P) Kennedy
(A) Sellers

Legislative Committee, City of Morgan Hill

(P) Carr
(P) Sellers

Morgan Hill Chamber of Commerce

(P) Kennedy
(A) Sellers

Pajaro River Watershed Flood
Prevention Authority

(P) Tate
(A) Chang

Santa Clara County Cities Association Executive Board	(P) Kennedy (A) Chang
Santa Clara County Cities Association Legislative Task Force	(P) Chang (A) Sellers
Santa Clara County Cities Association City Selection Committee ABAG Exec. Comm. Rep.	(A) Chang
Santa Clara County Comprehensive County Expressway Planning Study Policy Advisory Board	(P) Kennedy (A) Sellers
Santa Clara County Emergency Preparedness Council	(P) Tate (A) Carr
Santa Clara County Housing & Community Development Council Committee	(P) Carr (A) Sellers
Santa Clara County Library District Joint Powers Authority	(P) Tate (A) Seller
Santa Clara County Pollution Prevention Program – Hazardous Materials Advisory Committee	(P) Carr

Committee/Outside Agency

Assignment/s

Santa Clara Valley Transportation Agency/MGM Group 4 Santa Clara Valley Transportation Authority Board Representative	(P) Gilroy Rep - year 2002 (P) Milpitas Rep - year 2003 (P) Morgan Hill Rep - year 2004
Santa Clara County Valley Transportation Highway 101 Policy Advisory Board (PAB)	(P) Kennedy (A) Chang
Santa Clara Valley Transportation Authority Policy Advisory Committee (PAC)	(P) Kennedy (A) Chang
Santa Clara Valley Transportation Authority Caltrain Policy Advisory Board (PAB)	(P) Sellers
Santa Clara Valley Water Commission	(P) Chang (A) Ashcraft
Santa Clara Valley Water District - <u>East</u> Flood Control Zone Advisory Committee	(P) Tate (A) Chang (A) Ashcraft
Santa Clara Valley Water District - <u>South</u> Flood Control Zone Advisory Committee	(P) Tate (A) Chang (A) Ashcraft
Sister Cities Committee (Morgan Hill Sister City, Inc.)	(P) Kennedy (A) Sellers
South County Joint Planning Advisory Committee	(P) Carr (A) Sellers

South County Regional Wastewater Authority
(SCRWA)

(P) Chang
(P) Carr
(A) Sellers
(A) Tate

Action: *By Consensus, the City Council **Directed** staff to agendize the citizen appointment to the South County Joint Planning Committee for a future meeting.*

8. REFUNDING OF SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY (SCRWA) MORGAN HILL SERIES 1992B REVENUE BONDS - Resolution Nos. 5546 and 5547

Director of Finance Dilles presented the staff report, indicating the benefits to the City would be potential cost savings should the request before the Council be granted. He stated that if the Council Members agreed with the proposal, the matter would be considered at the January 8, 2002 meeting of the SCRWA Board, the legal entity that will actually issue the bonds. He stressed that no action would be taken unless falling interest rates could result in a savings of at least three percent (3%). When questioned, Mr. Dilles responded that one objective of the proposal is to plan for expansion of the facilities in the future. Further, he indicated, it would be more economically feasible to provide funding in this manner rather than consolidate bonding authority in the future.

Mayor Kennedy opened the floor to public comments. No comments were offered.

Actions: *On a motion by Mayor Pro Tempore Sellers and seconded by Council Member Carr, the City Council unanimously (5-0): 1) **Adopted** Resolution No. 5546, Taking Certain Actions in Connection with the Proposed Sale and Issuance of Refunding Revenue Bonds by SCRWA; and 2) **Adopted** Resolution No. 5547, Approving as to Form and Authorizing the Execution and Delivery of Certain Documents in Connection with the Sale and Issuance of Refunding Bonds to Refund the SCRWA Morgan Hill Series 1992B bonds and Authorizing Certain Other Actions.*

9. NEW CITY LOGO

Assistant to the City Manager Eulo presented the staff report, introducing Erin Mathis, Designer. He indicated that an informal survey had been taken of area residents who expressed strong feelings regarding the designs presented, but agreeing with the choice of the Council appointed Task Force for logo selection. Comprehensive discussion occurred regarding the matter with explanations from Assistant to the City Manager Eulo and Ms. Mathis as to the design elements.

Action: *Noting agreed-upon modifications to the font and size of the printing, Mayor Pro Tempore Sellers moved, with Mayor Kennedy seconding, **Approval** of the recommended Logo (Design 1b/Trojan) with minor modifications in direction provided to the Designer. The motion passed by the following vote: Ayes: Council Members Carr, Sellers and Tate, Mayor Kennedy; Noes: Council Member Chang; Abstain: None; Absent: None.*

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Staff to return with groupings of City Council Committees and Outside Agency Assignments for Council consideration.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 11:10 p.m.

MINUTES RECORDED AND PREPARED BY:

/s/ Judi Johnson
JUDI JOHNSON, MINUTES CLERK